THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 25127 OF 2006

DATED: 14-06-2007

Between :

Smt. T.N.Susheelamma

… Petitioner

And

The Revenue DivisionalOfficer,
Penukonda,
Ananthapur District and another.

.. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.25127 OF 2006

ORDER :

The petitioner is the authorized dealer of the fair price shop of Marvakothapalli village, Chilamathur Mandal, Ananthapur District. This writ petition is filed questioning the order passed by the first respondent dated 13-11-2006 under which the authorisation of the petitioner was suspended pending enquiry into certain irregularities specified thereunder. Under the impugned order, which was described as suspension cum show cause notice, five charges were framed and the petitioner was called upon to submit her explanation within 7 days.

This Court, while directing Rule Nisi, by order dated 01-12-2006 granted interim direction to continue the petitioner as Fair Price Shop dealer by suspending the impugned order.

I have heard the learned counsel for both the parties and perused the counter affidavit filed on behalf of the respondents.

The learned counsel for the petitioner vehemently contended that all the allegations made against the petitioner are false and without any basis and therefore, the impugned order of suspension is unwarranted apart from being contrary to the provisions of the Andhra Pradesh Scheduled Commodities (Regulation of Distribution by Card System) Order, 1973.

Since admittedly the enquiry initiated against the petitioner is pending, it is neither proper nor necessary for this Court to express any opinion on the correctness of the allegations. It is for the first

respondent to consider the explanation, if any, submitted by the petitioner and to pass appropriate orders following due process of law.

However, since by virtue of the interim order dated 01-12-2006, the impugned order of suspension remained suspended all through, I am of the opinion that it would be appropriate to continue the same till the enquiry is concluded by the first respondent.

Accordingly, the impugned order to the extent of suspending the authorisation of the petitioner pending enquiry, shall stand set aside and the first respondent is directed to proceed with the enquiry and pass appropriate orders in accordance with law.

The writ petition is accordingly disposed of. No costs.

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G. ROHINI, J.

Date 14-06-2007
KLP